

MINUTES OF THE NORWALK CITY COUNCIL MEETING ON 10-01-15 (abridged for publication)

Mayor Tom Phillips called the City Council meeting to order at 6:01 p.m. Present at roll call: Eric Delker, Tom Greteman, Erika Isley, Kyle Jackson and Jaki Livingston. (RC = roll call vote)

15-192 Isley moved, Jackson seconded, to approve **agenda**. Voice vote carried unanimously.

Charles Sinclair, 581 Beardsley St, asked council if anyone had taken a look at water problem in his front yet. Isley informed resident that Hoskins was going to take a look at some solutions.

15-193 Jackson moved, Isley seconded, to approve **minutes** of September 17th regular council meeting. Voice vote carried unanimously.

Consent included **tax abatements**; **liquor licenses** for Git N Go Convenience Store #20 and Norwalk Chamber of Commerce event; **Resolution 1001-15-106** approving MOU with Iowa DAS regarding Income Offset program participation; **Resolution 1001-15-107** approving 28E with Spring Hill for fire and EMS services; **Resolution 1001-15-108** approving disposal of workout room equipment; acceptance of 14/15 audit proposal from Shull & Co; Annual Finance Report, Outstanding Obligation Report and Continuing Disclosure Report; and **expenditures**:

ADVENTURE LIGHTING	PARTS	\$33.05	MEDICAP PHARMACY	MED SUPPLIES	\$301.77
AGRVISION	VEHICLE REPAIRS	\$53.26	MENARDS	GATE REPAIR	\$11.38
AIA CORPORATION	CLOTHING ALLOW	\$513.13	METRO WASTE AUTHORITY	MONTHLY FEES	\$28,077.16
AMERICAN LEAK DETECTION	POOL SERVICES	\$2,000.00	MICROMARKETING ASSOC	DVDS	\$1,576.46
ASHLEE SEIBERT	SIGN LANGUAGE	\$121.50	MOMAR INC	SUPPLIES	\$262.68
BAKER & TAYLOR	BOOKS AND FILMS	\$431.86	MUNICIPAL SUPPLY	SUPPLIES	\$319.60
BETHANIE LAFFERTY	YOGA	\$253.40	NANCY KUEHL	REIMBURSE	\$30.10
BOUND TREE MEDICAL	MED SUPPLIES	\$53.70	N WARREN TOWN & CTY	MINUTES 9 3 15	\$158.10
BROWN EQUIPMENT	MOWER	\$47.10	NORTHERN TOOL & EQUIP	EQUIPMENT	\$689.99
BUSINESS PUBLICATIONS	CATCH DSM	\$2,285.00	NORTHLAND	VEHICLE REPAIRS	\$2,273.30
CARPENTER UNIFORM	EQUIPMENT	\$724.43	NORWALK READY MIXED	LIMESTONE	\$756.00
CENTRAL IOWA PRSA	REGISTRATION	\$145.00	NPC INTERNATIONAL	POOL PARTY	\$99.00
DAVIS EQUIPMENT	JOC MOWER	\$293.21	O'HALLORAN INTL	REPAIR47	\$209.23
DEMCO	FURNITURE	\$374.26	ORIENTAL TRADING CO	SUPPLIES	\$297.10
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DISCOUNT SCHOOL SUPPLY	SUPPLIES	\$290.44	PEPSI-COLA	SUPPLIES	\$250.54
ELLIOTT EQUIPMENT CO	EQUIPMENT	\$312,500.00	PETTY MOTORS	EQUIPMENT	\$1,000.00
EXCEL MECHANICAL CO	REPAIR	\$5,577.00	PITNEY BOWES	POSTAGE	\$2.39
FRED PRYOR SEMINARS	WESTVOLD	\$99.00	PITNEY BOWES	LEASE MACHINE	\$735.00
G & L CLOTHING	CLOTHING ALLOW	\$132.58	PLUMB SUPPLY	BLDG MAINT	\$95.95
GEICOR/AMAZON	BOOKS	\$33.26	RECORDED BOOKS	CD	\$120.00
GRAINGER INC	EQUIPMENT	\$109.08	SCHOLASTIC BOOK FAIR	SUBSCRIPTION	\$152.10
HARLAND TECHNOLOGY	SERVICE AGREEMENT	\$1,444.00	SMITH PROMOTIONAL	MAGNETS	\$283.88
HARVEY'S AUTOMOTIVE	REPAIRS	\$465.05	DES MOINES REGISTER	SUBSCRIPTIONS	\$445.59
HEWLETT PACKARD CO	RAM	\$2,330.16	TREASURER, CITY HALL	CIP	\$85,850.50
IMFOA	FALL CONF	\$151.00	TREVOR SCHMIDT	WORKOUT EQUIPMENT	\$1,900.00
INDOFF INC	OFFICE SUPPLIES	\$1,509.33	ULTRA GREEN	LED CONVERT	\$72,888.70
IOWA ONE CALL	LOCATES	\$590.40	USA BLUE BOOK	SUPPLIES	\$194.76
IOWA RADIOLOGY	PRE EMPLOY	\$215.00	VERIZON WIRELESS	SERVICE	\$2,533.32
MARY JANE SHARP	REC CLASSES	\$823.20	WADE WAGONER	MILEAGE	\$17.83
MCCLURE ENGINEERING	NCIS 2014	\$153,964.17	ZIEGLER INC.	EQUIPMENT	\$489.90

Phillips noted the address listed on consent agenda for Chamber event should read 1104 Sunset Drive.

15-194 Delker moved, Livingston seconded, to approve **consent** agenda. Passed unanimously, RC.

15-195 Delker moved, Greteman seconded, to approve **liquor license** application from Norwalk Student Education Foundation. Passed 4-0 with Livingston abstaining for conflict of interest, RC.

15-196 Livingston moved, Greteman seconded, to reconvene **public hearing** for proposed rezoning request from Kruse Development, DBA Kruse Construction, to rezone land located north of Highway G14 and approximately 1,000 feet east of South Orilla Road from A-R to R-1(70) & R-1(80) passed unanimously, RC. Phillips reconvened public hearing at 6:07 p.m. Eddleman reported receiving no further comments. Receiving no public comment, Phillips closed public hearing at 6:11 p.m.

15-197 Livingston moved, Greteman seconded, to pass first, of three, readings of proposed **ordinance 15-08 amending City of Norwalk Zoning map per request from Kruse Development, DBA Kruse Construction, to rezone land located north of Highway G14 and approximately 1,000 feet east of South Orilla Road from A-R to R-1(70) & R-1(80)** passed 4-1, with Isley voting against, RC.

15-198 Greteman moved, Livingston seconded, to waive second and pass on third reading of **Ordinance 15-08** passed 4-1, with Isley voting against, RC.

Phillips opened **public hearing** for proposed rezoning request from Diligent Warrior Run LLC to change zoning of clubhouse at Warrior Run Golf Course from R-1(70) to C-2 at 6:32 p.m. Eddleman reported receiving no comments. Receiving no public comment, Phillips closed public hearing at 6:33 p.m.

15-199 Livingston moved, Greteman seconded, to pass first, of three, readings of proposed **ordinance 15-09 amending City of Norwalk Zoning map per request from Diligent Warrior Run LLC to change zoning of the clubhouse at Warrior Run Golf Course from R-1(70) to C-2** passed unanimously, RC.

15-200 Livingston moved, Isley seconded, to waive second and pass on third reading of **Ordinance 15-09** passed unanimously, RC.

Phillips opened **public hearing** for proposed amendment to the following sections of the City of Norwalk Zoning Ordinance: Architectural Standards, Definitions, Non-conforming Accessory Structures, Exceptions and Modifications, Accessory Structures and Fences, Privately Owned Improvements, Bulk Regulations Table, Multi-Family Off-Street Parking, and Buffers at 6:35 p.m.

Eddleman reported no comments were received. Jill Larsen spoke in favor of an ordinance that includes a special use permit for state-rated, C-2 child care providers. Phillips closed public hearing at 7:04 p.m. No action taken.

15-201 Livingston moved, Greteman seconded, to **adopt Resolution 1001-15-109 approving request from Diligent Orchard Hills LLC to approve Orchard Trail Plat 4 final plat**. Passed unanimously, RC.

15-202 Isley moved, Livingston seconded, to **adopt Resolution 1001-15-110 approving request from Hubbell Realty Company to approve Brownstones at the Legacy Plat 8 final plat**. Passed unanimously, RC.

15-203 Delker moved, Isley seconded, to **adopt Resolution 1001-15-111 approving request from Hubbell Realty Company to approve Legacy Commercial Plat 7 final plat**. Passed unanimously, RC.

15-204 Delker moved, Isley seconded, to **adopt Resolution 1001-15-112 accepting improvements known as Old School Plat 1**. Passed unanimously, RC.

15-205 Jackson moved, Greteman seconded, to **adjourn** meeting at 7:33 p.m. Voice vote carried unanimously.

Tom Phillips, Mayor

Attest:

Jodi Eddleman, City Clerk

MINUTES OF THE NORWALK CITY COUNCIL MEETING ON 10-01-15
(Unabridged version)

Mayor Tom Phillips called the City Council meeting to order at 6:01 p.m. Present at roll call: Eric Delker, Tom Greteman, Erika Isley, Kyle Jackson and Jaki Livingston. Absent at roll call: none. (RC = roll call vote)

Staff present included: Marketa Oliver, City Manager; Jodi Eddleman, City Clerk; Tim Hoskins, Public Works Director; Nancy Kuehl, Parks and Recreation Director; Ryan Coburn, Assistant Fire Chief; Holly Sealine, Director of Library Services; Greg Staples, Police Chief; Wade Wagoner, Planning and Economic Development Director; Luke Parris, City Planner and Jim Dougherty, City Attorney.

15-192 Phillips noted that in item 6c, the Chamber would like to change their liquor license to 1104 Sunset, not to Wright Place. Isley moved, Jackson seconded, to approve the **agenda** as amended. Voice vote carried unanimously.

Presentation(s)
None.

Welcome of Guests and Public Comment
Charles Sinclair, 581 Beardsley St, asked council if anyone had looked at the water problem in his front yard yet. Isley informed resident that council would discuss with Hoskins if he found any possible solutions.

15-193 Jackson moved, Isley seconded, to approve **minutes** of the September 17th regular council meeting. Voice vote carried unanimously.

Consent included **tax abatements; liquor licenses** for Git N Go Convenience Store #20 and Norwalk Chamber of Commerce event; **Resolution 1001-15-106** approving MOU with Iowa DAS regarding the Income Offset Program participation; **Resolution 1001-15-107** approving 28E with Spring Hill regarding fire and EMS services; **Resolution 1001-15-108** approving disposal of work out room equipment; acceptance of audit proposal for FY 14/15 from Shull & Co.; Annual Finance Report, Outstanding Obligation Report and Continuing Disclosure Report and **expenditures**:

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Phillips noted that the address listed on the consent agenda for the Chamber event should have been 1104 Sunset Drive.

15-194 Motion by Delker, Livingston seconded, to approve **consent** agenda passed unanimously, RC.

15-195 Motion by Delker, Greteman seconded, to approve **liquor license** application from the Norwalk Student Education Foundation for their event passed 4-0 with Livingston abstaining as she is a board member of the foundation, RC.

15-196 Motion by Livingston, Greteman seconded, to reconvene the **public hearing** for the proposed rezoning request from Kruse Development, DBA Kruse Construction, to rezone land located north of Highway G14 and approximately 1,000 feet east of South Orilla Road from A-R to R-1(70) & R-1(80) passed unanimously, RC.

Phillips reconvened the public hearing that was continued from the September 17 council meeting, at 6:07 p.m. Eddleman reported no further comments were received.

Brad Cooper, Cooper Crawford Associates, stated the preliminary plat presented at the last meeting, was submitted to the city yesterday. There are one hundred forty-five (145) lots including a couple large outlots for a proposed pond and park. The smallest lot is seventy-three (75) feet wide and approximately two hundred and two feet deep (202). The majority of lots are seventy-five to eighty (75-80) feet wide with square footage of the lots exceeding the R-1(80) designated lot size.

Isley asked if the lots conform to setback and side yard requirements and Cooper answered yes.

Jackson asked what will happen on the lot to the west, which is being sold to the Zimplemans. Cooper said the zoning will be the same as the rest of the area.

Phillips closed the public hearing at 6:11 p.m.

Isley said council had discussed approving a PUD in this development, as it was requested by some of the residents in the area. She expressed concern with not requiring a PUD because there are multiple developers involved and she would like continuity in development with regard to design elements.

Kruse said most cities do not require a PUD. Cooper added that a plat is more defining of the project and firms up the project more so than a PUD would.

Isley said she still wants to see one hundred (100) foot lots required, as the Planning and Zoning Commission recommended.

Kruse responded that when looking at Blooming Heights' slowed sales, it does not make sense to develop one hundred (100) foot lots. Isley said that lots are being sold in Silverado. Kruse said those lots do not have curb and gutters and added that The Ridge has eighty (80) foot lots.

Jackson said the Zimpleman's attorney reported that they are satisfied.

Kruse commented that they have been at this for months and have worked to address all concerns, including the Zimplemans. They have held ten meetings; spoken to Steve Swackhammer, who understands that development needs to happen; and found the Applegate's, the house to the west, is all for it. The biggest opposition has been the Isleys.

Greteman said this has been the most talked about, land use compliant, opposition to rezoning the council has had. He stated that neighbor input is important when you are looking at something that is inconsistent with the comp plan, but this is not.

Marilyn Isley, 2986 South Orilla Road, said she resents Mr. Kruse's implication that Council Member Isley speaks for her and her husband.

15-197 Motion by Livingston, Greteman seconded, to pass the first, of three, readings of proposed **ordinance amending the City of Norwalk Zoning map per the request from Kruse Development, DBA Kruse Construction, to rezone land located north of Highway G14 and approximately 1,000 feet east of South Orilla Road from A-R to R-1(70) & R-1(80)** passed 4-1 with Isley voting against, RC.

Greteman said this has been discussed ad nauseam and he would like to make a motion to waive the second and third reading; with two public hearing dates, I cannot imagine they were thinking of talking on the second or third reading.

Delker said he does not support that and Greteman added this can lose procedurally if a council member does not show up. The bottom line is that this council has not had all members here for three meetings in a row all year.

Livingston agreed if council could not proceed because we do not have a full council, that is not the developer's fault.

15-198 Motion by Greteman, seconded by Livingston, to waive the second and pass on third readings of **Ordinance 15-08** amending the City of Norwalk Zoning map per the request from Kruse Development, DBA Kruse Construction, to rezone land located north of Highway G14 and approximately 1,000 feet east of South Orilla Road from A-R to R-1(70) & R-1(80) passed 4-1 with Isley voting against, RC.

Phillips opened the **public hearing** for the proposed rezoning request from Diligent Warrior Run LLC to change the zoning of the clubhouse at Warrior Run Golf Course from R-1(70) to C-2 at 6:32 p.m. Eddleman reported receiving no comments.

Phillips closed the public hearing at 6:33 p.m.

Dave Brown, Diligent Development, said it puts the club house, a few holes and the easement area for MidAmerican Energy into a commercial area. They are preparing for residential development and would like to have the houses know what can be in the area in the future before they sell lots.

15-199 Motion by Livingston, seconded by Greteman, to pass the first, of three, readings of proposed **ordinance amending the City of Norwalk Zoning map per the request from Diligent Warrior Run LLC to change the zoning of the clubhouse at Warrior Run Golf Course from R-1(70) to C-2** passed unanimously, RC.

15-200 Motion by Livingston, seconded by Isley, to waive the second and pass on third readings of **Ordinance 15-09** amending the City of Norwalk Zoning map per the request from Diligent Warrior Run LLC to change the zoning of the clubhouse at Warrior Run Golf Course from R-1(70) to C-2 passed unanimously, RC.

Phillips opened the **public hearing** for the proposed amendment to the following sections of the City of Norwalk Zoning Ordinance: Architectural Standards, Definitions, Non-conforming Accessory Structures, Exceptions and Modifications, Accessory Structures and Fences, Privately Owned Improvements, Bulk Regulations Table, Multi-Family Off-Street Parking, and Buffers at 6:35 p.m. Eddleman reported the city received an email opposing child care provider zoning recommendations, from Lori Schervisch, in addition to the comments, from Planning and Zoning, that were included in the council packet.

Jill Larsen, 1027 Norwood Court, gave a power point presentation on behalf of the in-home daycare providers. They are in support of the Planning and Zoning recommendation to approve a special use permit application option for State-rated "C2" providers. She reported that there are thirty-four (34) in-home daycare centers for three hundred thirty-two (332) children who can be cared for in Norwalk and currently only three vacancies.

Larsen explained the different categories of in-home daycare. Category A can have six (6) children with one provider; Category B can have eight (8) children with one provider; Category C can have up to sixteen (16) kids, but no more than eight per provider, and is state regulated. She concluded by inviting council members to visit their homes.

Greteman said he is sure the providers are outstanding. The question is what should or should not be allowed in Norwalk; and in his opinion, he is not in favor of the special use permit application option that Planning and Zoning recommended. He expressed concern stating that the Board of Adjustment is not qualified to decide this and no

criteria has been set. He feels the city has to make a decision about how many kids can be in an in-home day care in a residential neighborhood. He does not want neighbor against neighbor.

Greteman continued saying that he has asked eighty-one (81) people and they have all said they would not be in favor of a day care with sixteen (16) children opening up next to them. He said the city needs to decide what is or is not appropriate in an R1 zone; it is not clear to him what the Board of Adjustment's special qualifications are to grant this special use permit. It either is or is not okay.

Larsen said she has been a C2 provider in Norwalk for seven (7) years. Greteman noted that has never been allowed in the zoning code and it is the in-home business provider's responsibility to find out and follow zoning requirements. Larsen said the providers are willing to work with the city to develop regulations.

Livingston said that everyone she has talked to has said there is not enough daycare and you cannot take that option away.

Greteman asked if C2's are allowed in R1 districts in other cities. Parris distributed information about other cities' regulations and Greteman said just to be clear we are not trying to bring Norwalk into compliance with other cities. We are trying to determine if C2 in-home daycare providers should be allowed in residential districts in Norwalk.

Greteman noted that only West Des Moines allows up to a C2 provider. Larsen said that all of those cities have centers that Norwalk does not.

Isley said that she appreciated the information Larsen provided.

Delker asked if they can take the special use permit out of the code.

Larsen asked what the next step is and Oliver answered that the plan is to bring back the zoning code at the next meeting for discussion and get additional direction from Council prior to submitting an ordinance to be considered for a vote in November.

Isley asked about the proposed requirement for two-car garages; specifically if the language refers to new construction homes, or if she built a garage, would it also have to be two-car. Wagoner said he does not believe so.

Phillips closed the public hearing at 7:04 p.m. No action was taken.

Norwalk Orchard Trail Plat 4

Greteman asked if this final plat connects Orchard Hills Drive to Wright Road. Wagoner said no; the connection is in Plat 3.

Isley pointed out that the side yard setbacks are less than normal and that was approved many years ago. Wagoner said PUD's make zoning more cumbersome to administer. The setbacks in this PUD are actually less than the current R-1(60).

15-201 Motion by Livingston, Greteman seconded, to **adopt Resolution 1001-15-109 approving request from Diligent Orchard Hills LLC to approve the Orchard Trail Plat 4 final plat** passed unanimously, RC.

15-202 Motion by Isley, Livingston seconded, to **adopt Resolution 1001-15-110 approving request from Hubbell Realty Company to approve the Brownstones at the Legacy Plat 8 final plat** passed unanimously, RC.

15-203 Motion by Delker, Isley seconded, to **adopt Resolution 1001-15-111 approving request from Hubbell Realty Company to approve Legacy Commercial Plat 7 final plat** passed unanimously, RC.

15-204 Motion by Delker, Isley seconded, to **adopt Resolution 1001-15-112 accepting improvements known as Old School Plat 1** passed unanimously, RC.

Fire Chief Discussion

Next on the agenda is discussion regarding organizational structure, recruitment options and a timeline for hiring a Fire Chief. Oliver distributed possible scenarios and timelines for Fire Chief recruitment and asked council about their expectation.

Livingston said there is no need to rush, asked what other positions are open and if Coburn is the acting chief. Oliver responded that there are currently two positions open in public works, the Building Inspector recruitment closed today; and the Finance Director position closes October 5th, with interviews scheduled for October 14th.

Livingston said council should address hiring a Fire Chief once the Finance Director is hired.

Delker stated he thinks Assistant Chief Coburn is the right person for the job and council should wait six (6) months to give the department time to adjust and Coburn time to decide if he wants to be chief. He said in his opinion, the next council should decide.

Isley stated that she agrees with both of them.

Livingston said she is uncomfortable talking about the future of the department with Delker serving as both councilmember and fire fighter.

Greteman said whether we hire a new chief in one month or six he does not want the department in flux and asked if Coburn, as acting chief, is empowered to manage the Fire Department and Oliver responded that the city can officially name Coburn as Interim or Acting Fire Chief and give compensation for doing those additional duties, but currently, as Assistant Fire Chief, he is empowered to act at the Fire Chief in the Fire Chief's absence. Oliver noted when our Police Chief position was open we had an officer in charge who was not compensated for the additional responsibilities and she would like to address that if addressing the fire position.

Livingston asked the difference between acting and interim chief and Delker stated that it is statutory to have a Fire Chief or Interim Fire Chief in place for Medicare reasons. Dougherty added that Coburn has the same authority as Fire Chief from the city's standpoint.

Livingston said she is not ready today to commit to any timeline; and feels the primary focus should be to hire a Finance Director.

Oliver suggested Coburn could be named Interim Fire Chief for an indefinite timeline.

Jackson stated he would like to talk about it immediately after the Finance Director is decided.

NCIS Update

Hoskins said the Wakonda Drive contractor, over the last two weeks, has brought in more personnel and is making a lot of progress. They are almost finished with the sidewalk and driveways between Lakewood Drive and Happy Hollow.

Dougherty added that the city is getting cooperation from bonding companies.

Hoskins said the city will contact MidAmerican Energy tomorrow about relocating the necessary utilities.

Hoskins reported that the subgrade on Holly Drive is happening tomorrow and paving should be on Tuesday or Wednesday of next week. He then stated that Dougherty deserves a lot of credit as far as what has been happening on the project.

Reports

Staples said there was a robbery Tuesday evening. The suspect has been arrested. We held a community meeting and he was pleased with how that turned out. Tomorrow, join police officers at the Montessori School in their reading garden.

Hoskins said they are scrambling to complete as many street repairs as they can. They are prepping snow removal equipment. They have poured pads for the picnic tables.

Oliver noted that a week from Saturday (October 10th) Community Chat is in the morning then Norwalktoberfest is at 1104 Sunset. Also, the Lions Club is having their pancake breakfast that morning.

Dougherty thanked Dave Hixenbaugh for his efforts reviewing the surety bonds.

15-205 Jackson moved, Greteman seconded, to **adjourn** meeting at 7:33 p.m. Voice vote carried unanimously.

Tom Phillips, Mayor

Attest:

Jodi Eddleman, City Clerk